

wherein the mating structure prevents the loop from sliding freely along the straps when the two components are mated.

### REMARKS

Claims 1, 3-10, 12 and 16-19 will be pending in the application upon entry of this Amendment and Response. Claims 2, 11 and 13-15 are canceled above. New claims 18 and 19 are added above. Claims 1, 18 and 19 are independent.

The specification and drawings are also amended by this Amendment and Response. The amendments to the specification, as well as newly-added Figs. 9 and 10, are supported by the specification as originally filed. In particular, newly-added Figs. 9 and 10 find support, for example, at page 3, lines 1-7, page 3, lines 23-28, and page 4, lines 3-16 of the originally filed specification. Support for newly added Figs. 9-11 will be discussed in further detail in the following section.

#### **37 C.F.R. §1.83(a) Objection to the Drawings**

The Office Action objects to the drawings under 37 C.F.R. § 1.83(a), because the drawings do not show various claims elements and features of the specification. Figs. 9 and 10 have been added by the present amendment. Newly-added Figs. 9-11 depict a well-known strap (such as a watchband) having a well-known securing mechanism (such as a buckle) as described in the original specification at page 3, lines 1-7. Newly-added Fig. 11 further depicts a device, such as a watch, attached to the strap as described in the original specification at page 3, line 14-22. Newly-added Figs. 9 and 10 also depict a retention loop, which is described in relation to the

strap at page 3, lines 23-28 of the originally filed specification. Support from the original specification is shown more particularly by the following quoted language: "'retention loop' means a structure that surrounds or is attached to the strap and which operates to hold one end of the strap in close proximity to the other end of the strap, when the strap has been secured by the securing mechanism.")(see also, Figs. 1 and 2, as originally filed, which depict comparable retention loops). Newly-added Figs. 9 and 10 further depict a mating structure, which is described in relation to the strap and retention loop, for example, at page 4, lines 7-16 of the originally filed specification. Applicants submit that no new matter has been added.

Therefore, Applicants respectfully request approval of newly-added Figures 9-11.

### **Objection to the Specification**

The Office Action objects to the specification and requests revision of the specification and drawings. Applicants have amended the specification by adding numbers for the structural elements to clarify the original disclosure. In addition, Applicants have added Figures 9-11 in the present amendment. Applicants maintain the amended specification is understandable to one of ordinary skill in the art. Applicants submit that no new matter has been added.

Therefore, Applicants respectfully request withdrawal of the objection to the specification.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 1-17 stand rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in such a way as to enable one skilled in the art to make and use the invention. As discussed in the previous section, Applicants have amended the specification by adding numbers for the structural elements and adding Figures 9 and 10. Applicants maintain both the original and the amended specification would enable one of ordinary skill in the art to make and use the invention.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 112, first paragraph.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. As discussed above, Applicants have amended the specification by adding numbers for the structural elements and adding Figures 9 and 10. In light of these changes, Applicants submit the claims are clear and definite.

In addition, claim 11 has been rejected because the "securing mechanism" is indefinite. Claim 11 has been canceled rendering this rejection moot.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 112, first paragraph.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Furst in view of Swallow. Applicants respectfully traverse this rejection for the reasons set forth below.

First, Swallow is not analogous prior art and cannot be used in the rejection of the present invention. "In order to rely upon a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In Re Oetiker*, 977 F.2d 1443, 1446. (The *Oetiker* court held that the reference (a hook for garments) was neither within applicant's field of endeavor, nor reasonably pertinent to the particular problem with which the inventor was concerned because one of ordinary skill, seeking to solve the problem of fastening a hose clamp, would not reasonably be expected or motivated to turn to the garment industry to find a fastener).

Similar to *Oetiker*, the reference (Swallow) is not in the field of applicant's endeavor, and it is not reasonably pertinent to the particular problem with which the inventor was concerned. Applicant's field of endeavor is wrist-born devices straps, such as a strap for a watch, for example. On the other hand, Swallow is concerned with belt assemblies for therapeutic stockings and disposable gowns. Further, one of ordinary skill in the wrist strap industry would not be reasonably expected or motivated to turn to belt assemblies for therapeutic stockings/disposable gowns for a solution to a loose strap problem.

Second, the combination of Furst and Swallow teaches away from the claimed invention. Furst appears to disclose a typical wristwatch having a strap and a retention loop. The Office Action says that, although Furst does not teach a mating structure, Swallow teaches a mating structure comprising hook and loop fasteners. However, Swallow's retention loop 32 is to be

adjusted such that the end 38 of strap 34 dangles loosely (see Figs. 1, 11 and 12, e.g.). A stated purpose of the present invention is to closely fasten the otherwise free end of a strap in close proximity with the remainder of the strap. (page 2, lines 4-9). Since the combination of Furst and Swallow would create a retention loop 32 with a free, loose strap end, it is an improper combination that teaches away from the present invention.

Third, claim 1 has been amended to incorporate the content of canceled claim 2 such that claim 1 now recites "wherein said first and second complementary components of the mating structure comprise either a protruding member or a aperture for receiving said protruding member". Neither Furst nor Swallow teach a mating structure comprise either a protruding member or a aperture for receiving the protruding member. The Office Action states that, although the modified reference does not teach these structural elements, "it would be an obvious matter of design choice to form this structure, since applicant's specification is silent that this particular claimed feature solves any problems or is for any particular purpose...". To the contrary, the aperture and protruding member are an important part of the invention. As taught in the original specification, the protruding member and aperture function to retain the excess, loose strap material on a wristwatch, for example. (see page 2, lines 1-9 and page 3, line 23 through page 4, line 6). Furst in view of Swallow simply does not teach these important structural elements.

Further, Applicants respectfully traverse the apparent use of Official Notice to conclude that providing a protruding member located on a retention loop and a corresponding aperture on a strap would be an obvious matter of design choice based upon common knowledge in the art. Applicants challenge the Examiner to cite a reference that shows a strap (wristwatch, e.g.) having these critical features. (see MPEP 2144.03). Alternatively, should the Examiner possess

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personal knowledge concerning the intrinsic obviousness of these features, Applicants request that the Examiner support the data with an affidavit. (see 37 CFR 1.104(d)(2), which states that "(w)hen a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data should be as specific as possible and the reference must be supported, when called for by the applicant, by the affidavit of such employee...").

In view of the above, Applicants respectfully request the withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 103(a).

#### **New Claims 18 and 19**

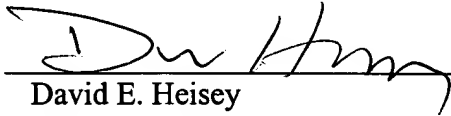
Claims 18 and 19 have been added by this amendment.

**CONCLUSION**

All the stated grounds of rejection and objection have been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the examiner reconsider and withdraw all of the outstanding rejections, and allow each of the pending claims. The Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 for any additional fees required under 37 CFR 1.16 or 1.17, particularly extension of time fees.

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